

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

DELPHI CORPORATION, et al  
Debtors

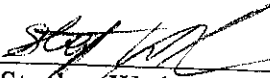
Chapter 11  
Case No. 05-44481 (RDD)  
(Jointly Administered)

AFFIDAVIT OF SERVICE

Stephen Wyder, being duly sworn, deposes and says:

1. I am an employee of the law firm Lewandowski & Associates, located at 721 Center Road, West Seneca, NY 14224.
2. On Wednesday April 11, 2007 at approximately 4:00 pm I mailed three copies of the enclosed response to Delphi's Eleventh Omnibus Objection to Claim through the United States Postal Service via express overnight delivery mail.
3. Copies of the enclosed papers were served upon Delphi's Bankruptcy Counsel, Skadden Arps at 333 West Wacker Drive, Suite 2100, Chicago Illinois 60606; Delphi's general counsel at Delphi Corporation 5725 Delphi Drive, Troy, Michigan 48098; and the Honorable Robert D. Drain at One Bowling Green Room 610, New York, New York 10004.

Dated: April 11, 2007

  
Stephen Wyder

Sworn to before me this 11

day of April, 2007.

4/20

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

DELPHI CORPORATION, et al  
  
Debtors

Chapter 11  
Case No. 05-44481 (RDD)  
(Jointly Administered)

RESPONSE TO ELEVENTH OMNIBUS OBJECTION TO CLAIM

Creditor: Moldtech, Inc.  
1900 Commerce Pky  
Lancaster, NY 14086

Claim No.: 3738

Amount: \$ 50,374.12

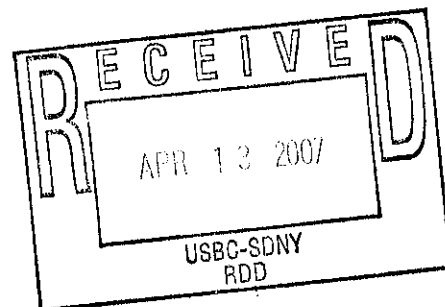
Type: General Unsecured

Nature of Objection: Claims Subject to Modification

Modified Amount: \$ 46,544.80

*Statement of Facts*

On May 1, 2006, Moldtech, Inc., one of the creditors in this proceeding, filed a Proof of Claim with supporting documents for the sale of rubber grommets to Debtor between September 7, 2005 and October 13, 2005 for a total of \$ 50,374.12. On March 22, 2007, Moldtech received an Objection to Claim for Claims Subject to Modification from the Debtor, dated March 16, 2007. Moldtech's counsel spoke on the phone with Sara Platt, an attorney with Debtor's counsel on March 29, 2007. Ms. Platt indicated that the basis for Debtor's objection was a discrepancy between the \$ 50,374.12 amount claimed by Moldtech, and the invoices included with Moldtech's Proof of Claim, which totaled \$ 46,544.80.



Gail Neumann  
Notary Public

My Commission expires on 5/26/07

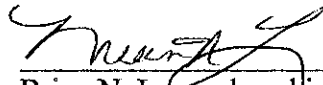
GAIL NEUMANN  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN NIAGARA COUNTY  
MY COMMISSION EXPIRES MAY 26, 20 07

*Argument*

It appears that the Proof of Claim served on the Debtor contained all of the supporting invoices except for one, in the amount of \$ 3,829.32. A copy of the missing invoice, dated October 13, 2005, along with a copy of the Proof of Claim is attached as **Exhibit A**.

Because the omission in the Proof of Claim served on the Debtor was inadvertent, and no prejudice to Debtor will result from maintaining the original \$ 50,374.12 claim, Moldtech requests that the Objection to claim No. 3738 be denied, to the extent that it needs to reduce the amount of the claim.

Submitted by:

  
\_\_\_\_\_  
Brian N. Lewandowski

Lewandowski & Associates  
721 Center Road  
West Seneca, NY 14424

716-674-4710

Name of Debtor  
Delphi CorporationCase Number  
05-44481

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):

Moldtech Inc

Name and address where notices should be sent:

Moldtech Inc  
1900 Commerce Pky  
Lancaster NY 14086

Telephone number:

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☐ Check box if the address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:

Check here ☐ replaces  
if this claim a previously filed claim, dated: \_\_\_\_\_

☐ amends

**1. Basis for Claim**

- ☒ Goods Sold / Services Performed
- ☐ Customer Claim
- ☐ Taxes
- ☐ Money Loaned
- ☐ Personal Injury
- ☐ Other \_\_\_\_\_

- ☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
- ☐ Wages, salaries, and compensation (fill out below)
- Last four digits of SS #: \_\_\_\_\_
- Unpaid compensation for services performed
- from \_\_\_\_\_ to \_\_\_\_\_
- (date) (date)

**2. Date debt was incurred:**

SEPTEMBER 7, 2005 TO OCTOBER 13, 2005

**3. If court judgment, date obtained:****4. Total Amount of Claim at Time Case Filed: \$ 50,374.12**

(unsecured)

(secured)

(priority)

50,374.12

(Total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below.

- ☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**5. Secured Claim.**

- ☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- ☐ Real Estate ☐ Motor Vehicle
- ☐ Other \_\_\_\_\_

Value of Collateral: \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

**6. Unsecured Nonpriority Claim \$ 50,374.12**

- ☐ Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

**7. Unsecured Priority Claim.**

- ☐ Check this box if you have an unsecured priority claim

Amount entitled to priority \$ \_\_\_\_\_

Specify the priority of the claim:

- ☐ Wages, salaries, or commissions (up to \$10,000)\* earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- ☐ Up to \$2,225\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).

\*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. \$10,000 and 180-day limits apply to cases filed on or after 4/20/05. Pub. L. 109-8.

**8. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.**9. Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.**10. Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim

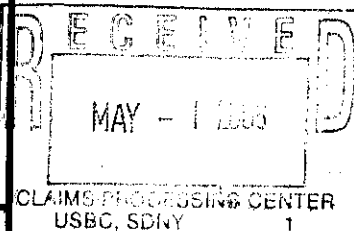
Date

4/27/06

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

H. WAYNE GERHART  
PRESIDENT

THIS SPACE IS FOR COURT USE ONLY



0.00 \*

#18361

5,743.98 +

#18375

6,336.94 +

#18401

11,487.96 +

#18433

11,487.96 +

#18492

5,743.98 +

#18543

5,743.98 +

#18601

3,829.32 +

50,374.12 \*



Manufacturers of Rubber Molded Products

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

**INVOICE**

INVOICE NUMBER: 0018361-IN

INVOICE DATE: 09/07/2005

ORDER NUMBER: 0006140

ORDER DATE: 08/30/2005

SALESPERSON: 0001

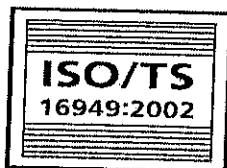
CUSTOMER NO: DEL PAR

SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

CUSTOMER P.O. 20014		SHIP VIA BUFTR	F.O.B. SHIPPING POINT		TERMS NET 30	SHIP DATE 9/7/2005	
ITEM NO.		UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500		PCS	59,400.000	29,700.000	29,700.000	0.1934	5,743.98
	5274634 RUBBER GROMMET						



Net Invoice:	5,743.98
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>5,743.98</b>



Manufacturers of Rubber Molded Products

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

**INVOICE**

INVOICE NUMBER: 0018375-IN

INVOICE DATE: 09/09/2005

ORDER NUMBER: 0006140

ORDER DATE: 08/30/2005

SALESPERSON: 0001

CUSTOMER NO: DEL PAR

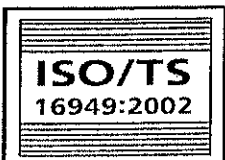
SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

CUSTOMER P.O.	SHIP VIA	F.O.B.	TERMS	SHIP DATE		
20014	BUFTR	SHIPPING POINT	NET 30	9/9/2005		
ITEM NO.	UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500 5274634 RUBBER GROMMET	PCS	29,700.000	32,766.000	0.000	0.1934	6,336.94

THIS IS THE LAST SHIPMENT WITH THE OLD INSERTS



Net Invoice:	6,336.94
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>6,336.94</b>





Manufacturers of Rubber Molded Products

## INVOICE

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

INVOICE NUMBER: 0018401-IN

INVOICE DATE: 09/15/2005

ORDER NUMBER: 0006141

ORDER DATE: 08/30/2005

SALESPERSON: 0001

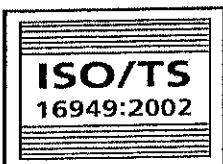
CUSTOMER NO: DEL PAR

SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

CUSTOMER P.O. 20014	SHIP VIA BUFTR	F.O.B. SHIPPING POINT	TERMS NET 30	SHIP DATE 9/15/2005		
ITEM NO.	UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500 5274634 RUBBER GROMMET	PCS	59,400.000	59,400.000	0.000	0.1934	11,487.96



Net Invoice:	11,487.96
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>11,487.96</b>



Manufacturers of Rubber Molded Products

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

INVOICE NUMBER: 0018433-IN

INVOICE DATE: 09/21/2005

ORDER NUMBER: 0006182

ORDER DATE: 09/12/2005

SALESPERSON: 0001

CUSTOMER NO: DEL PAR

SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

CUSTOMER P.O. 20014	SHIP VIA BUFTR	F.O.B. SHIPPING POINT	TERMS NET 30	SHIP DATE 9/21/2005		
ITEM NO.	UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500 5274634 RUBBER GROMMET	PCS	59,400.000	59,400.000	0.000	0.1934	11,487.96



Net Invoice:	11,487.96
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>11,487.96</b>



Manufacturers of Rubber Molded Products

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

INVOICE NUMBER: 0018492-IN

INVOICE DATE: 09/29/2005

ORDER NUMBER: 0006183

ORDER DATE: 09/12/2005

SALESPERSON: 0001

CUSTOMER NO: DEL PAR

SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

CUSTOMER P.O.	SHIP VIA	F.O.B.	TERMS	SHIP DATE		
20014	BUFTR	SHIPPING POINT	NET 30	9/29/2005		
ITEM NO.	UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500 5274634 RUBBER GROMMET	PCS	59,400.000	29,700.000	29,700.000	0.1934	5,743.98



Net Invoice:	5,743.98
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>5,743.98</b>

**INVOICE**

Manufacturers of Rubber Molded Products

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

INVOICE NUMBER: 0018543-IN

INVOICE DATE: 10/04/2005

ORDER NUMBER: 0006183

ORDER DATE: 09/12/2005

SALESPERSON: 0001

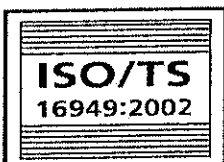
CUSTOMER NO: DEL PAR

SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

CUSTOMER P.O. 20014	SHIP VIA BUFTR	F.O.B. SHIPPING POINT	TERMS NET 30	SHIP DATE 10/4/2005		
ITEM NO.	UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500 5274634 RUBBER GROMMET	PCS	29,700.000	29,700.000	0.000	0.1934	5,743.98



Net Invoice:	5,743.98
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>5,743.98</b>

## INVOICE



Manufacturers of Rubber Molded Products

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

INVOICE NUMBER: 0018601-IN  
 INVOICE DATE: 10/13/2005

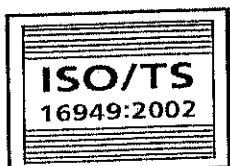
ORDER NUMBER: 0006278  
 ORDER DATE: 10/13/2005  
 SALESPERSON: 0001  
 CUSTOMER NO: DEL PAR

SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

ELLEN McCUTCHEON							
CUSTOMER P.O. 20014		SHIP VIA BUFTR		F.O.B. SHIPPING POINT		TERMS NET 30	SHIP DATE 10/13/2005
ITEM NO.		UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500 5274634 RUBBER GROMMET		PCS	59,400.000	19,800.000	39,600.000	0.1934	3,829.32



Net Invoice:	3,829.32
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>3,829.32</b>



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

DELPHI CORPORATION, et al  
  
Debtors

Chapter 11  
Case No. 05-44481 (RDD)  
(Jointly Administered)

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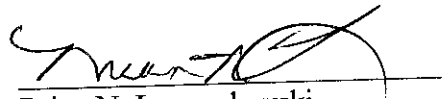
AFFIDAVIT OF BRIAN LEWANDOWSKI

Brian N. Lewandowski being duly sworn, deposes and says:

1. I make this affidavit in opposition to the Debtor's Eleventh Omnibus Objection to Claim, with respect to Moldtech, Inc.'s creditor claims.
2. I am an attorney admitted to practice law in the State of New York and admitted to practice before the Federal Western District of New York.
3. I am counsel to Moldtech, Inc., a creditor, in this matter.
4. As counsel to Moldtech, Inc. I am fully familiar with the facts and circumstances surrounding this matter.
5. On or about March 22, 2007 Moldtech, Inc. forwarded to our office a copy of Delphi's Eleventh Omnibus Objection to Claim..
6. On March 27, 2007 I sent an email to Delphi's Bankruptcy counsel, Skadden Arps, seeking clarification regarding Delphi's objection to Moldtech Inc.'s claim. A copy is attached as **Exhibit A.**

7. On March 29, 2007 I spoke over the phone with Sara Platt, an attorney with Delphi's Bankruptcy counsel. A copy of my notes with respect to that conversation are attached as **Exhibit B**.
8. Ms. Platt indicated that Delphi's objection was based on a discrepancy between the relevant Proof of Claim filed by Moldtech, Inc. and the invoices attached to that Proof of Claim as supporting evidence. She believed that a copy of one of the invoices submitted with one of Moldtech Inc.'s Proofs of Claim has been accidentally omitted.
9. For reasons unknown, it appears that a copy of invoice # 0018601-IN for \$ 3,829.32 was not included with Proof of Claim served upon Delphi by Moldtech, Inc. A copy of that invoice is attached as **Exhibit C**.
10. I have attached copies of the Proof of Claim originally filed along with copies of Invoice # 0018601-IN to Moldtech Inc.'s response to Delphi's Eleventh Omnibus Objection to Claim, and have served these documents on all relevant parties to this action.

Dated: April 11, 2007

  
Brian N. Lewandowski

Sworn to before me this 11  
day of April, 2007.

  
Notary Public

My Commission expires on 5/26/07

GAIL NEUMANN  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN NIAGARA COUNTY  
MY COMMISSION EXPIRES MAY 26, 20 07



**Lewandowski & Associates**

Attorneys at Law  
721 Center Road  
West Seneca, New York 14224  
Phone (716) 674-4710  
Fax (716) 674-5595  
Email: [blewandowski@lewandowskiandassoc.com](mailto:blewandowski@lewandowskiandassoc.com)

Brian N. Lewandowski

Robert L. Besanceney  
of Counsel

March 27, 2007

Via email to:

delphi@skadden.com ✓

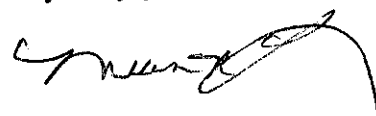
**RE: Mold Tech, Inc.  
Our File No. COR0553**

Dear Sir/Madam:

The undersigned is counsel to Mold Tech, Inc., a creditor in the Delphi Corporation Bankruptcy (Case No. 05-44481). My client has received a Notice of Objection to Claim with respect to various claims it had submitted in connection with this bankruptcy. We are unclear as to the basis for the objection to claims 3737, and 3736. In this regard, based upon the information provided, it does not appear that the amount of the claim is being contested, but rather that it is being modified to be listed as a "general unsecured" claim. Since the Proofs of Claim which were submitted had listed all of these claims as unsecured non-priority claims, we are somewhat confused as to the basis for objection to those claims.

Moreover, the amount of claim number 3738 is proposed to be modified from \$50,374.12 to \$46,544.80. It would appear that, based upon the amount of the proposed modification, there may be an issue with invoice number 0018601-IN, dated October 13, 2005 in the amount of \$3,829.32. Once again, I would very much appreciate any information which you can provide concerning the basis for the proposed reduction in this claim. Please feel free to contact me either via email or by phone at (716) 674-4710.

Very truly yours,



Brian N. Lewandowski

BNL:gn

S:\bnl\lt\cor\0553\letter\delphi032707.bnl



**FILE MEMORANDUM**

From: BNLewandowski  
RE: Moldtech, Inc.  
Our File No. COR0553  
DATE: March 29, 2007

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Earlier today I received a call from Sara Platt of the Skadden Arps law firm concerning my e-mail inquiry regarding the Notice of Claim disallowance relating to Moldtech. Ms. Platt indicated to me that the primary reason for the inclusion of Moldtech was to indicate the correct name of the entity against which the claim should be processed. The substantive amount of the claim was not being changed. However, there was one claim in which the dollar amount was being challenged. Ms. Platt indicated that she could not tell me why although she suspected that our client had neglected to provide them with copies of all of the invoices which comprise the claim. She had suggested that we file in response to the objections and include all of the invoices for the claim. I advised her that we would do so.

  
BNL

:bks

S:\bnl\cor\0553\memo\file032907.bnl





Manufacturers of Rubber Molded Products

**MOLDTECH, INC.**  
 1900 COMMERCE PARKWAY  
 LANCASTER, NY 14086  
 (716) 685-3344

INVOICE NUMBER: 0018601-IN

INVOICE DATE: 10/13/2005

ORDER NUMBER: 0006278

ORDER DATE: 10/13/2005

SALESPERSON: 0001

CUSTOMER NO: DEL PAR

SOLD TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

SHIP TO:  
 DELPHI AUTOMOTIVE SYSTEMS  
 500 COMMERCE DRIVE  
 BUFFALO, NY 14228

CONFIRM TO:  
 ELLEN McCUTCHEON

CUSTOMER P.O. 20014	SHIP VIA BUFTR	F.O.B. SHIPPING POINT	TERMS NET 30	SHIP DATE 10/13/2005		
ITEM NO.	UNIT	ORDERED	SHIPPED	BACK ORD	PRICE	AMOUNT
MT41500 5274634 RUBBER GROMMET	PCS	59,400.000	19,800.000	39,600.000	0.1934	3,829.32



Net Invoice:	3,829.32
Less Discount:	0.00
Handling & Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>3,829.32</b>

